

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:

Drewe *et al.*

Appl. No. 09/705,840

Filed: November 6, 2000

For: **Substituted 4H-Chromene and  
Analogues as Activators of Caspases  
and Inducers of Apoptosis and the  
Use Thereof**

Confirmation No.

Art Unit: 1625

Examiner: Robinson, B.

Atty. Docket: 1735.0410002/RWE/BEC

#16  
JG  
5/8/01

**Reply To Requirement For Election Of Species**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In reply to the Office Action dated March 16, 2001, Applicants hereby provisionally elect the species 2-amino-3-cyano-4-(3-bromo-4,5-dimethoxyphenyl)-4H-indolo[4,5-b]pyran as the compound for examination. Claims 1-7, 9, 11-14, 16, 18, 21, 23, 25-28, 30, 32-47, 49-51, 53-54, 57-58, 60, 63-72 and 75-78 read on such species. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

Applicants assert the right to claim additional species in the event that a generic claim thereto is found to be allowable in accordance with 37 C.F.R. § 1.141(a). This election is made **without traverse**. Consideration and allowance of all pending claims, are respectfully requested.

It is believed that extensions of time are not required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036. A duplicate copy is enclosed.

Respectfully submitted,

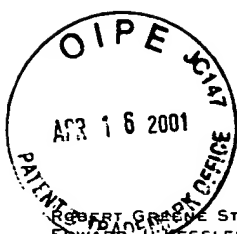
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond  
Attorney for Applicants  
Registration No. 32,893

Date: April 16, 2001

1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600

1625  
Box 800



**STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.**

ATTORNEYS AT LAW

1100 NEW YORK AVENUE, N.W. • WASHINGTON, D.C. 20005-3934

PHONE: (202) 371-2600 • FACSIMILE: (202) 371-2540 • www.skgf.com

ROBERT GRADY STERNE  
EDWARD J. KESSLER  
JORGE A. GOLDSTEIN  
SAMUEL L. FOX\*\*\*  
DAVID K.S. CORNWELL  
ROBERT W. ESOMOND  
TRACY-GENE G. DURKIN  
MICHELE A. CIMBALA  
MICHAEL B. RAY  
ROBERT E. SOKOHL  
ERIC K. STEFFE  
MICHAEL O. LEE  
STEVEN R. LUDWIG

JOHN M. COVERT\*  
LINDA E. ALCORN  
ROBERT C. MILLONIG  
MICHAEL V. MESSINGER  
JUDITH U. KIM  
TIMOTHY J. SHEA, JR.  
DONALD R. MCPHAIL  
PATRICK E. GARRETT  
STEPHEN G. WHITESIDE  
JEFFREY T. HELVEY\*  
HEIDI L. KRAUS  
JEFFREY R. KURIN  
RAYMOND MILLIEN

PATRICK D. O'BRIEN  
LAWRENCE B. BUGAISKY  
CRYSTAL D. SAYLES  
EDWARD W. YEE  
ALBERT L. FERRO\*  
DONALD R. BANOWIT  
PETER A. JACKMAN  
MOLLY A. MCCALL  
TERESA U. MEDLER  
JEFFREY S. WEAVER  
KRISTIN K. VIDOVICH  
KENDRICK P. PATTERSON  
DONALD J. FEATHERSTONE

GRANT E. REED  
VINCENT L. CAPUANO  
JOHN A. HARROUN\*  
ALBERT J. FASULO II\*  
W. BRIAN EDGE\*  
ELDORA ELLISON FLOYD\*  
W. RUSSELL SWINDELL  
THOMAS C. FIALA  
LONNY L. MULLER\*  
BRIAN J. DEL BUONO\*  
VIRGIL L. BEASTON\*  
RYAN J. STAMPER\*

KAREN R. MARKOWICZ\*\*  
SUZANNE E. ZISKA\*\*  
ANDREA J. KAMAGE\*\*  
NANCY J. LEITH\*\*  
ELIZABETH J. HAANES\*\*  
MARK P. TERRY\*\*

\*BAR OTHER THAN D.C.  
\*\*REGISTERED PATENT AGENT  
\*\*\*SENIOR COUNSEL

April 16, 2001

WRITER'S DIRECT NUMBER:

(202) 371-2560

INTERNET ADDRESS:

resmond@skgf.com

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APR 17 2001

Commissioner for Patents  
Washington, D.C. 20231

TECH CENTER 1600/2900

Re: U.S. Utility Patent Application  
Appl. No. 09/705,840; filed November 6, 2000  
For: **Substituted 4H-Chromene and Analogs as Activators of Caspases and Inducers of Apoptosis and the Use Thereof**  
Inventors: Drewe *et al.*  
Our Ref: 1735.0410002/RWE/BEC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Reply To Requirement For Election Of Species (in duplicate);
2. Preliminary Amendment under 37 C.F.R. § 1.821(f);
3. Paper copy of the Sequence Listing to be appropriately placed in the captioned application;
4. The Sequence Listing in computer readable form (3½" diskette in ASCII);
5. Information Disclosure Statement (in duplicate);
6. Form PTO-1449 (9 sheets) and accompanying (34) references; and
7. Return postcard.

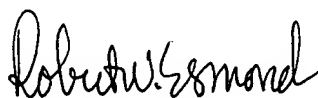
Commissioner for Patents  
April 16, 2001  
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It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond  
Attorney for Applicants  
Registration No. 32,893

RWE/BEC/dab  
P:\USERS\DENISEB\1735\0412cov  
Enclosures